

Present were: Anderson (Chair); McDonough (Clerk); Baime, Boness & Bargnesi (Associate Members).

The meeting opened at 7:00 p.m. McDonough arrived at 7:08 p.m.

There was no one present from the School Building Committee to update the Board on the Bancroft School project.

Anderson explained that the hearing for 15 Robandy Rd will be held until the end because he is an abutter to an abutter and will recuse himself. Member Brown will participate in the hearing for 15 Robandy Rd.

Anderson made a motion to approve the minutes of 10/11/12. Boness seconded the motion & the Board voted (3-0) [Anderson, Boness, Baime] to approve the minutes.

Baime made a motion to approve the minutes of 11/1/12. Boness seconded the motion & the Board voted (3-0) [Anderson, Boness, Baime] to approve the minutes.

Bargnesi noted that on the 12/6/12 minutes she should be listed as an Associate Member. Boness noted that he did not participate in the first case. With those amendments, the Board voted unanimously to approve the minutes of 12/6/12.

Petition No.: 4014

Premises affected: 4 Arundel St

Petitioner: Poor

Members: Anderson (Chair); McDonough (Clerk); Baime, Boness & Bargnesi (Associate Members)

Anderson announced the change in location of the public meeting for this evening's hearings due to a schedule conflict for the advertised location.

Chris & Renée Poor represented themselves in their request to demolish the existing garage/breezeway/rear steps to construct a new garage/master bedroom/bath/storage alcove/screen porch at rear and to move the laundry room to the first floor. The breezeway will be enclosed to make a ½ bath & closet. The existing side setback is 16.8' & 12'. Boness pointed out that the dimensions in the architectural drawings are incorrect. Photos were submitted to show abutting houses that also converted porches to living space & that have garages closer than 15' to the side lot line. The Poores emphasized the unique shape of their lot. The Board discussed the existing platform at the rear of the garage & that it will be extended. The Poores have spoken to their neighbors, none of whom expressed opposition. Anderson asked for the hardship that is required in order to grant a variance. The Poores stated the small, irregularly shaped lot & the need for more space as their hardship. The Board discussed the possible reduction in the proposed additions/alterations in order to meet the minimum setbacks. Anderson explained that the Board can vote tonight, or continue to February to consider a revised plan. IF denied, they will have to wait two years before returning. The Poores will continue the hearing to the February meeting to discuss the reduction with their architect. Bob Friedenson, a resident, submitted an aerial photograph showing the lot. McDonough made a motion to continue the hearing to the February meeting in order to consider revised plans to be submitted. Bargnesi seconded the motion. The Board voted unanimously to continue the hearing to the February meeting.

Petition No.: 4015

Premises affected: 81 Bellevue Rd

Petitioner: C&L Homes, LLC

Members: Anderson (Chair); McDonough (Clerk); Baime, Boness & Bargnesi (Associate Members)

Attorney Andrew Caffrey, Jr. represented the petitioner's request to construct a new, 2029 sq. ft. home. This is a revised proposal for a smaller dwelling. The proposed house is setback further from the front lot line than the existing house, decreasing the non-conformity. The side & rear setbacks will be met. Wetlands cover the remainder of the lot. Robert Friedmansson, 109 Bellevue Rd., voiced concern over the sharp curve in the road that presents a danger. He asked for mitigation to minimize the hazard to motorists and the new home owners. Petitioner has filed with Conservation Commission for the new septic system & will file a Notice of Intent. The Board waived a site view. McDonough made a motion to close the public hearing. Bargnesi seconded the motion and the Board voted (5-0) to close the hearing. The Board then proceeded to deliberate. The Board agreed that the current proposal is an improvement over the prior application. Anderson noted that the large lot has only a small portion that is buildable, with the wetlands being the hardship. McDonough made a motion to approve a variance from Article VIII, Section 4.1.2 to allow the demolition of the existing dwelling & the construction of the new dwelling in accordance with the plans and the site development improvement plan dated 11/18/12. Boness seconded the motion & the Board voted (5-0) to approve the variance with conditions. Boness will write the decision.

Petition No.: 4016

Premises affected: 77 Essex St

Petitioner: HARP, LLC

Members: Anderson (Chair); McDonough (Clerk); Baime, Boness & Bargnesi (Associate Members)

Attorney Andrew Caffrey, Jr. represented his client, Henry Prussman, of HARP, LLC. The request is for a modification of Decision No. 1510, &/or a variance from Article VIII, Section 4.1.5.2, &/or a special permit under Article VIII, Section 3.1.3.C.20 for the continued operation of an auto repair garage at 77-85 Essex Street located in the Mixed Use District. Caffrey noted a change in the applicant's name, since HARP, LLC was not available, it is now 85 Essex LLC. McDonough made a motion to approve the change of the applicant's name from HARP, LLC to 85 Essex LLC. Boness seconded the motion & the Board voted (5-0) to approve the applicant's name change. Caffrey submitted a plot plan dated 12/19/12 and gave a background on the business, as well as the proposed changes: repair work will be conducted 7 am – 7 pm M-Sat, excluding Sundays & holidays; no repair work will be done outside of the building; no junk cars will be stored. Keith Saxon, of Wethersfield Dr., asked if the conditions in Decision Nos. 688 & 1277 will be changed, voicing concern over potential hazard of discharge into the nearby river or sewer. Caffrey stated that the intention is to erase prior conditions, adding that a 21E report within the past 5-6 years has shown the site to be clean. Caffrey submitted the new proposed conditions. Anderson disclosed that he received a phone call from a Board of Selectmen member regarding a question from a constituent on the pending closing & at that point he suggested Caffrey submit proposed conditions. Joanna Webster, business owner at 75 Essex St., spoke in support as long as the business operation continues as is. Baime made a motion to close the public hearing. McDonough seconded the motion & the Board voted (5-0) to close the hearing. The Board then proceeded to deliberate. Anderson outlined the issues: 1) transferability – can the business be transferred from the current owner to the potential buyer? Yes. 2) Should the condition of transferability be deleted? Baime & McDonough felt that it shouldn't. 3) Decision No. 1510, Condition #1 – requires previous conditions & decisions to be abided by, Condition #2 - restricts hours of operation from 7 a.m. to 7 p.m. and Condition #3 – that the work be contained within the building (new condition). As a new condition, the hours of operation will be 7 a.m. – 7 p.m. & no junked autos or parts are stored outside the building. Anderson noted that in Decision No. 688 were the conditions of non-transferability, modification of operation hours and no that no junked autos/parts can be stored outside. In Decision No. 611 there were 5 conditions. He proposed that except as set forth herein, the bylaw must be complied with and in addition to Caffrey's three proposed conditions, the following be kept: non-transferability, compliance with the bylaw, and the 5 conditions in Decision No. 611. Baime made a motion to approve relief substantially in the proposed draft submitted by Caffrey plus the two conditions discussed (non-transferability and compliance with the bylaw). McDonough seconded the motion and the Board voted (5-0) to approve the modification with conditions. Bargnesi will write the decision.

Petition No.: 4017

Premises affected: 6-14 Post Office Avenue

Petitioner: Tomamichel

Members: Anderson (Chair); McDonough (Clerk); Baime, Boness & Bargnesi (Associate Members)

Mrs. Apple Tomamichel represented herself in her request for a special permit under Article VIII, Section 3.1.3.C.12.b to operate a fast food restaurant at 12 Post Office Ave. The restaurant will be open M-Th from 11:30 a.m. – 9 p.m., Fri & Sat from 11:30 a.m. – 10 p.m. and Sunday from 12 – 9 p.m. There will be 22 seats and the take-out business is anticipated at 30% of the overall business. The former food service tenant had 32 seats. Outdoor seating has already been approved. Anderson emphasized that recent similar applications were approved with standard conditions including adequate trash disposal receptacles. Baime made a motion to close the public hearing. McDonough seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate. McDonough made a motion to approve the special permit under Article VIII, Section 3.1.3.C.12.b for a fast food restaurant with the standard conditions. Boness seconded the motion and the Board voted (5-0) to approve the special permit with conditions. McDonough will write the decision.